

1  
2  
3  
4 **UNITED STATES DISTRICT COURT**

5 **DISTRICT OF NEVADA**

6 EDWARD E. SEELY,

7 Plaintiff,

8 vs.

9 JIM GIBBONS et al.,

10 Defendants.  
11

3:08-cv-00125-RCJ-RAM

**ORDER**

12 Plaintiff Edward Seely is a prisoner at the Northern Nevada Correctional Center  
13 ("NNCC"). Plaintiff sued multiple Defendants under 42 U.S.C. § 1983 and Title II of the  
14 Americans with Disabilities Act based on alleged inadequate accommodation of his paraplegic  
15 condition in NNCC's shower stalls. On July 17, 2009, the Magistrate Judge recommended  
16 granting two motions to dismiss, granting a third motion to dismiss in part, and denying a fourth  
17 motion to dismiss as moot. (*See* Mag. J. Order, July 7, 2009, ECF No. 133). The Court adopted  
18 the recommendations. (*See* Order, Oct. 23, 2009, ECF No. 158). Two days short of one year  
19 later, Plaintiff asks the Court to reconsider under Rule 60(b), based on alleged errors of law. (*See*  
20 Mot., Oct. 21, 2010, ECF No. 237). Defendants move to strike the motion under Local Rule 7-4  
21 because it is 100 pages long, which exceeds the page limit for a motion by 70 pages.

22 The Court will strike the motion for grossly exceeding the page limit. The Court has  
23 hundreds of cases and upwards of 1000 pending motions on its docket and does not have time to  
24 read and consider 100-page, hand-written motions to reconsider year-old rulings. Moreover, the  
25 motion to reconsider appears to be based on Rule 60(b), which requires a showing of some

1 circumstances external to a mere error of law by the Court. Simple "error of law" motions to  
2 reconsider fall under Rule 59(e), and the time limit to file such a motion expired in November  
3 2009. Perhaps Plaintiff can support a Rule 60(b) motion under one of that rule's subsections, but  
4 he must limit his pleading to thirty pages. The Court therefore denies the motion to reconsider  
5 under Rule 59(e) with prejudice, but denies the motion under Rule 60(b) without prejudice.

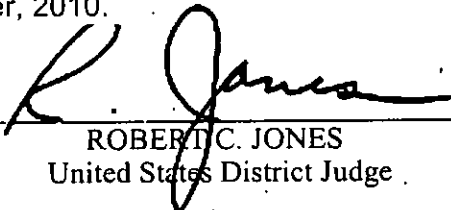
6 **CONCLUSION**

7 IT IS HEREBY ORDERED that the Motion to Strike (ECF No. 241) is GRANTED.

8 IT IS FURTHER ORDERED that the Motion to Reconsider (ECF No. 237) is DENIED  
9 with prejudice with respect to Rule 59(e), but without prejudice with respect to Rule 60(b).

10 IT IS SO ORDERED.

11 Dated this 28th day of December, 2010.

12   
13 \_\_\_\_\_  
14 ROBERT C. JONES  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25